

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, February 3, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud (arrived at 6:32pm), Marcia Johnston, Tim Potts, and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Kelly Vasknetz.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Waterland, second by Johnston and carried with all members present voting yes to approve the agenda.

### Announcements:

Councilor Potts wanted to thank the Parks, Water and Street Departments for the cleanup of the trees. They have hauled over 2000 truckloads which amounts to 35,000 cubic yards of tree limbs.

Councilor Bestgen thanked the Water and Public Works Department for their work on the water main break by the High rise.

### City Manager Ainslie reported:

Ainslie wanted to thank Mike and Bob from Public Works for their work on the water main break.

An update on the FEMA status was given. The following worksheets have been either turned in or are being worked on:

- For the first 30 days of debris clean up - \$171,000
- Snow clearing the first 48 hours - \$19,000
- Emergency measures during the first month - \$9,500
- The 2<sup>nd</sup> month debris cleanup - \$16,700
- The last 3 months – equipment depreciation \$35,500

The City will be doing a curb side pickup of branches, weather permitting, starting February 24<sup>th</sup> through the 28th.

A power point presentation was given to the Council on year end 2013 financials. This will be available on the City website.

City Manager Ainslie appointed Kyle Trelon to the Planning and Zoning Board.

Motion by Johnston, second by Hersrud and carried with all members present voting yes to approve “a” on the consent calendar:

- a. Consider approval of the minutes from the January 21, 2014 regular council meeting.

Motion by Waterland, second by Johnston and carried with Carstensen, Anderson, Bachand, Johnston, Potts, and Waterland voting yes, Bestgen and Hersrud voting no, to approve “b” on the consent calendar:

- b. Consideration to approve the rescheduling of the February 17<sup>th</sup> meeting to February 18<sup>th</sup> in recognition of President’s Day.

Motion by Potts, second by Bachand and carried with all members present voting yes to approve the following claims with the exception of the following: **General** - BH Council of Local Governments, \$3445.00, other; BH Community Economic Dev, \$2000.00, other; Sturgis Economic Development Corp, \$3750.00, other; **Special Sales Tax** –Sturgis Economic Development Corp, \$7541.67, ind dev; **Capital Improvement** –Sturgis Economic Development, \$1500.00, impr; SD Dept of Transportation, \$52,715.66, Sly Hill. **Sanitary Service** - Hersrud, \$144.92, repair; **Ambulance** - Hersrud, \$3213.60, repair; Scott Peterson Motors, \$232.85, repair. **Wages** – Ambulance \$24,283.04; Attorney \$2935.10; Auditorium \$332.57; Buildings \$1590.41; Cemetery \$2231.42; City Manager \$4308.99; Community Center \$9493.37; Finance Office \$9123.24; Fire Department \$3278.31; Human Resource \$2208.94; Library \$8487.10; Liquor \$4763.92; Mayor and Council \$3391.63; Parks \$13,863.27; Planning & Permitting \$3811.09; Police \$34,493.93; Rally \$3394.39; Recreation \$2792.76; Sanitary Service \$12,925.43; Streets \$9839.24; Wastewater \$7606.04; Water \$15,264.75; Federal Withholding \$17,362.02; FICA \$13,108.95.

**General** – A&B Business, \$140.63, supp; Amazon, \$184.92, supp; Amcon, \$289.39, merch for resale; American Legal Services, \$50.68, prof fee; Gary Anderson, \$157.58, grp insur; Avaya, \$36.39, util; Baker & Taylor, \$18.07, supp; BH Tent & Awning, \$79.50, repair; Bierschbach Equipment, \$135.00, supp; BH Chemical, \$683.50, supp; BH Power, \$1442.92, util; BH Truck & Trailers, \$274.36, repair; Bridger Steel, \$398.00, supp; Jerry Burnham, \$2500.00, prof fee; Century Business Products, \$114.67, supp; Chain Saw Center, \$1071.37, rental, repair; Chamber of Commerce, \$2500.00, other; City of Belle Fourche, \$250.00, supp; Contractor's Supply, \$11.80, supp; Corbon Law Enforcement, \$153.86, supp; Creative Product Sourcing, \$289.46, other; Decatur Electronics, \$4010.00, equip; Degrata Tactical, \$139.90, supp; Demco, \$265.46, supp; Double Star Computing, \$819.58, prof fee; Fastenal Company, \$80.52, supp; Fedex, \$35.83, supp; Freeman Electric, \$811.13, repair; G&H Distributing, \$40.32, supp; Glover Investments, \$600.00, rental-rally; Grimm's Pump, \$184.76, repair; Grocery Mart, \$12.72, supp; Hauff Mid-America Sports, \$26.95, supp; Heiman Fire Equipment, \$253.80, repair; Hillyard, \$255.59, supp; J&L Services, \$20.00, repair; Jenner Equipment, \$163.61, repair; Knecht Home Center, \$24.96, supp; Legends Sales & Marketing, \$4500.00, prof fee; Lighting Maintenance, \$72.50, repair; Harvey Matz, \$739.84, grp insur; Midcontinent Communications, \$42.24, util; Neve's Uniforms, \$225.33, supp; Newman Traffic Signs, \$1004.90, supp; Mike O'Bryan, \$16.77, travel; Optimist Club, \$35.00, prof fee; Overdrive, \$3000.00, supp; Owens Interstate Sales, \$63.70, repair; Park Avenue Car Wash, \$128.80, supp; Pitney Bowes, \$322.06, rent; Power House, \$371.16, equip; Powerplan, \$712.41, repair; Prairie Hills Transit, \$4500.00, other; Print Mark-et, \$1290.18, publ; Public Safety Equip, \$84.83, supp; Rasmussen Mechanical Services, \$1566.60, repair; Rushmore Mountain Sports, \$2400.00, supp; Rushmore Office, \$95.68, supp; Rushmore Safety Supplies, \$109.80, supp; S&C Cleaning, \$3100.00, repair; Schwans, \$19.73, merch for resale; SD Dept of Transportation, \$2393.51, other; SD Federal Property, \$60.00, supp; SDEMA, \$30.00, prof fee; Sturgis Area Arts Council, \$1500.00, other; Sturgis Motorsports, \$199.97, supp; Subway, \$45.00, supp; Cindy Swenby, \$98.58, cc membership benefit; Tom's T's, \$78.00, other; Town-N-Country Plumbing, \$173.47, repair; Twilight First Aid, \$166.55, supp; Verizon, \$118.56, util; Weimer's Diner, \$66.00, other; Whisler Bearing, \$17.96, repair; Wimactel, \$60.00, util; Wow! Business, \$4416.86, util.

**Special Sales Tax** – Chamber of Commerce, \$8750.00, chamber.

**Capital Improvement** – Fourfront Design, \$7500.00, impr.

**Equipment Replacement Fund** – Sturgis Motorsports, \$10,048.00, equip.

**Revolving Fund Loan** – Brosz Engineering, \$450.00, other.

**Liquor** – Amcon, \$1322.61, cig for resale; Buffalo Chip Campground, \$129.00, publ; Cask & Cork, \$119.00, off sale liquor; Century Business Products, \$1.20, supp; M&B Enterprises, \$166.00, snacks for resale; Mobile Mini, \$196.57, supp; North Country Business Products,

\$1503.55, prof fee; Okoboji Wines, \$215.70, off sale liquor; One Way Service Pros, \$184.72, repair; Print Mark-et, \$86.01, publ; Wow! Business, \$307.72, util.

**Water** – Gary Anderson, \$77.61, grp insur; BH Power, \$176.38, util; Double Star Computing, \$102.45, prof fee; MDU, \$26.80, util; Print Mark-et, \$86.01, publ; Wow! Business, \$197.51, util.

**Wastewater** – BH Power, \$2675.64, util; Menards, \$74.99, supp; Bob Mower, \$500.00, grp insur; Powerplan, \$421.98, repair; Print Mark-et, \$86.01, publ; SD Chapter APWA, \$90.00, travel; USA Blue Book, \$60.94, repair; Verizon, \$46.66, util.

**Sanitary Service** – BH Power, \$386.43, util; Century Business Leasing, \$195.76, prof fee; Century Business Products, \$48.14, prof fee; Century Link, \$62.70, util; Eddies Truck Sales, \$227.59, repair; Owens Interstate, \$204.18, supp; Print Mark-et, \$86.01, publ.

**Ambulance** – BH Garage Doors, \$4300.00, repair; Century Business Products, \$51.79, supp; Johnston Hardware, \$21.38, supp; Print Mark-et, \$86.01, publ; Trittech Software Systems, \$500.00, prof fee; Verizon, \$22.04, util; Vidacare, \$2337.31, supp; Wow! Business, \$255.58, util.

After discussion on the following claim – **Capital Improvement** –SD Dept of Transportation, \$52,715.66, Sly Hill – it was moved by Bestgen, seconded by Hersrud and carried with all members present voting yes to table payment on this bill until the February 18, 2014 meeting.

Moved by Johnston, seconded by Potts and carried with Anderson, Bachand, Bestgen, Johnston, Potts and Waterland voting yes, Carstensen and Hersrud abstaining, to approve the following claims: **Sanitary Service** - Hersrud, \$144.92, repair; **Ambulance** - Hersrud, \$3213.60, repair; Scott Peterson Motors, \$232.85, repair.

Moved by Bestgen, seconded by Waterland and carried with Carstensen, Bachand, Bestgen, Hersrud, Johnston and Waterland voting yes, Potts abstaining, to approve the following claims: **General** - BH Council of Local Governments, \$3445.00, other; BH Community Economic Dev, \$2000.00, other; Sturgis Economic Development Corp, \$3750.00, other; **Special Sales Tax** – Sturgis Economic Development Corp, \$7541.67, ind dev; **Capital Improvement** –Sturgis Economic Development, \$1500.00, impr.

After much discussion on this request, a motion was made by Hersrud, second by Potts and carried with Carstensen, Bestgen, Hersrud and Potts voting yes, Anderson, Bachand, and Waterland voting no, Johnston abstaining, to approve a side yard setback variance for Duayne Israelson at 1343 Pine Street.

Motion by Bestgen, second by Johnston and carried with all members present voting yes to approve the following payroll changes: Police Dept – Officer part-time – Devon Wilson - \$18.28.

Motion by Waterland, second by Johnston and carried with Carstensen, Anderson, Bestgen, Hersrud, Johnston, Potts, and Waterland voting yes, Bachand abstaining for personal conflict, to approve the Community Center purchase of a NuStep –T4r Recumbent Cross Trainer.

Potts introduced the following written resolution and moved its adoption:

**RESOLUTION 2014-12**  
**RESOLUTION APPROVING PLAT**

**WHEREAS**, the statues of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property in Davenport Ranch Addition:

A plat of Lot 2 and Lot 3 of Davenport Ranch Addition, (Formerly Lot A of Lot H1) located in the W1/2NW1/4 of Section 22, -AND- The Revised Dedicated Public R.O.W., (Due to change in Curve Radius and R.O.W. width) Located in the NE1/4NE1/4 of Section 21 and the W1/2NW1/4 of Section 22, All located in T5N, R5E, B.H.M., Meade County, South Dakota

**WHEREAS**, said plat meets the requirements of the statutes in all things, now therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 3rd day of February 2014.

Published: 02/12/2014

Effective: 03/05/2014

Johnston seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Hersrud introduced the following written resolution and moved its adoption:

**RESOLUTION 2014-13  
RESOLUTION ON ANNEXATION OF THE DAVENPORT RANCH**

WHEREAS, Katherine Martel and Martha Ward co-owners have filed a Petition for Annexation with the City of Sturgis; and

WHEREAS, said Petition has been executed by more than  $\frac{3}{4}$  of the registered voters and more than  $\frac{3}{4}$  of the owners of the value of the territory sought to be annexed to the City of Sturgis; and

WHEREAS, said real property set forth in the Petition is contiguous to the City of Sturgis; and

WHEREAS, the Owners and the City of Sturgis have entered into a Development Agreement dated May 2, 2013 pursuant to S.D.C.L. 9-4-1.1.

NOW THEREFORE BE IT RESOLVED, that this Resolution of Annexation shall become effective March 5, 2014 pursuant to S.D.C.L. 9-4-1,

BE IT FURTHER RESOLVED that upon such approval that the following described real property shall be annexed to the City of Sturgis:

A Plat of Lot 2 and Lot 3 of Davenport Ranch Addition, (Formerly Lot A of Lot H1) located in the W1/2NW1/4 of Section 22, -AND- The Revised Dedicated Public R.O.W., (Due to change in Curve Radius and R.O.W width) Located in the NE1/4NE1/4 of Section 21 and the W1/2NW1/4 of Section 22, All located in T5N, R5E, B.H.M., Meade County, South Dakota.

Dated this 3rd day of February, 2014.

Published: 02-12-14

Effective: 03-05-14

Anderson seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve second reading of Ordinance 2014-02 – Title 9 – Fire Prevention and Regulation.

## **ORDINANCE 2014-02**

### **AN ORDINANCE AMENDING TITLE 9– FIRE PREVENTION AND REGULATION**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 9 Fire Prevention and Regulation–Chapter 9.01 General Provisions– Section 9.01.02: Definitions; Chapter 9.03 Fire Department–Section 9.03.11: Deferred Compensation Program Established; 9.04: General Fire Provisions- Section 9.04.10: Recreational Fire, 9.04.11: Ban on Outside Burning, 9.04.12: Fireworks Displays, 9.04.13: Fireworks Lighting Period, 9.04.14: Fireworks Sales, 9.04.19: Address Numbering are amended to read as follows:

## **TITLE 9**

### **FIRE PREVENTION AND REGULATION**

#### **CHAPTERS:**

9.01: General Provisions

9.02: Adoption of Fire Codes

9.03: Fire Department

9.04: General Fire Provisions

## **CHAPTER 9.01**

### **GENERAL PROVISIONS**

#### **SECTIONS:**

9.01.01: Scope and Purpose

9.01.02: Definitions

9.01.03: Penalty

#### **9.01.02: DEFINITIONS**

**OPEN FIRE:** Any outdoor fire, including campfires, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. The term “open fire” shall not include charcoal grills or liquid fuel grills or other outdoor fire containment devices approved by the SVFD Fire Chief or a recreational fire that complies with the SVFD Fire Chief’s requirements.

~~**OPEN FLAMES:** IFC definition~~

~~**OPEN FLAME COOKING DEVICES:** IFC definition~~

**~~OPEN FLAME DEVICES:~~** IFC definition

**~~PERMITS:~~** IFC definition

**RECREATIONAL FIRE:** An outdoor fire burning material other than trash, garbage, construction site waste or rubbish, where the fuel being burned is contained within a device or container approved by the SVFD Fire Chief, and the fire has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height, and is being used for ceremonial, cooking, warmth, religious, enjoyment or similar purpose.

## **CHAPTER 9.03 FIRE DEPARTMENT**

### **SECTIONS:**

- 9.03.01: Establishment, Duties and Responsibilities
- 9.03.02: Officers
- 9.03.03: Selection and Term of Fire Chief and Assistant Fire Chiefs
- 9.03.04: Equipment and Care of Property
- 9.03.05: Insignia
- 9.03.06: Required Aid
- 9.03.07: Failure to Assist
- 9.03.08: Interference with the Department
- 9.03.09: Damaging Apparatus
- 9.03.10: Obedience to Officers and Police Powers
- 9.03.11: Deferred Compensation Program Authorized
- 9.03.12: Deferred Compensation Program Purpose
- 9.03.13: Program Eligibility Requirements
- 9.03.14: Program Funding and Investment
- 9.03.15: Program Disbursement of Deferred Compensation

### **9.03.05: INSIGNIA**

Each member of the Fire Department may be issued a badge designating his or her rank. Each member of the Fire Department driving a vehicle may be issued a suitable insignia to be attached to the vehicle or vehicles.

On the first day in June each member shall be issued a new ID card from the Fire Department stating that the individual is an accepted member of the Sturgis Fire Department.

No person may display any badge, card, sign, decal, license plate or similar items representing themselves as a Fire Department member unless authorized by the Fire Chief-and/or City Manager.

No person shall willfully impersonate themselves as a fire officer or a member of a fire department by wearing a cap, hat, badge, insignia, or in any other way give the impression they are a member of the Fire Department.

### **9.03.11: DEFERRED COMPENSATION PROGRAM AUTHORIZED**

The City of Sturgis recognizes the unique contribution to the public safety system of the City of Sturgis provided by the Sturgis Volunteer Fire Department. The City further recognizes the need to encourage continued participation by and retention of trained volunteers by the Volunteer Fire Department to ensure the Department can respond to Fire and other service calls within the City. Accordingly, there is hereby established by the Sturgis City Council, as authorized by the South Dakota legislature, authority to develop a Deferred Compensation Program for the eligible members of the Sturgis Volunteer Fire Department. Upon development of the terms and signature by both parties, the Deferred Compensation Program agreement shall be maintained on file in the City Finance Office. Until the terms of the Deferred Compensation Program are drafted and made a part of the contract for services between the City of Sturgis and the Sturgis Volunteer Fire Department and signed by each party, the Deferred Compensation Program as described in subsections 9.3.11 through 9.3.15 of this ordinance shall not become effective.

## **CHAPTER 9.04 GENERAL FIRE PROVISIONS**

### **SECTIONS:**

- 9.04.01: Driving Over or on a Fire Hose
- 9.04.02: Parking Near Station or Hydrant
- 9.04.03: Unlawful to Tamper with Fire Appliances or Hydrants
- 9.04.04: False Alarm
- 9.04.05: Problematic Systems
- 9.04.06: Refuse Fires
- 9.04.07: Controlled Burns by Permit
- 9.04.08: Authorized Controlled Burns
- 9.04.09: Open Fires
- 9.04.10: Recreational Fire
- 9.04.11: Ban on Outside Burning
- 9.04.12: Fireworks Displays
- 9.04.13: Fireworks Lighting Period
- 9.04.14: Fireworks Sales
- 9.04.15: Installation of Key Boxes
- 9.04.16: Hazardous Materials
- ~~9.04.16: Address Numbering~~
- 9.04.17: Unattended Gas Pumps
- 9.04.18: Fire Lane
- 9.04.19: Fire Service Billing

### **9.04.10: RECREATIONAL FIRE**

A recreational fire is a fire maintained in a manner approved by the SVFD Fire Chief and in a manner that does not constitute a nuisance under Title 12 of the City Ordinances. No Recreational Fire within the City shall be permitted during the period of July 28 through August 18. The SVFD Fire Chief shall maintain and provide to the public upon request, and make available on the City of Sturgis Website, a list of approved backyard and patio fire grills and stoves. The use of these approved devices or structures is permitted within the City when there is no ban on outside burning in effect. Any recreational fire must be located at least eight (8) feet back from the property line and at least five (5) feet away from any structure or other combustible materials. The use of a non-approved device or structure shall be a violation of this ordinance.

#### **9.04.11: BAN ON OUTSIDE BURNING**

During periods of poor air quality, drought, and dryness or at any time a high fire danger rating has been issued by the South Dakota Division of Forestry, the City Manager or his/her designee shall have the authority to issue a proclamation which prohibits recreational fires, open fires, or outdoor burning within the City or one mile thereof.

When the fire danger is past, the City Manager or his/her designee shall issue a proclamation that the ban on burning is lifted.

#### **9.04.12: FIREWORKS DISPLAY**

No person may sell or ignite any fireworks within the City limits, except as herein provided.

All professional pyrotechnic fireworks displays and other activities believed by the City Manager or his/her designee to be of similar nature in risk shall be completed in conjunction with a valid fireworks display which complies with NFPA 1123 and as specifically authorized in writing by the City Manager or his/her designee. The City Manager or his/her designee shall have the authority to ban the use of fireworks if in his/her opinion the potential fire risk is unacceptably high. This ban may be appealed by any resident of Sturgis to the City Council as provided for in Title 36.

#### **9.04.13: FIREWORKS LIGHTING PERIOD**

Unless specifically authorized by Resolution of the City Council for a stated period of time within a calendar year, fireworks lighting and use are prohibited within the City of Sturgis. The City Manager, in consultation with the SVFD Fire Chief may recommend to the City Council a Resolution to approve the lighting of fireworks within the City limits for a stated period of time, and as allowed by State law and Administrative Rule within the calendar year. Unless otherwise established by Council Resolution, this period shall be from 8:00 am to 10:00 pm on July 3<sup>rd</sup>, from 8:00 am to 11:59 pm on July 4<sup>th</sup>, and from 4:00 pm on December 31<sup>st</sup> until 1:00 am on January 1<sup>st</sup>.

#### **9.04.14: FIREWORKS SALES**

For a period each year from June 27 through July 5, and from December 28 through January 1, fireworks may be sold within the City limits. Said sales shall be in accordance with all state and federal requirements, and no person shall be permitted to conduct such sales without a license issued by the City. To obtain a license to conduct such sales, the person shall first submit an application, including a copy of a valid sales tax license issued in applicant's name to the SVFD Fire Chief. An application fee of \$100 payable to the City of Sturgis shall be submitted with the application. After review and recommendation by the SVFD Fire Chief, the City Finance Officer shall issue or deny the license request within 5 business days. Any licensee under this subsection shall maintain records of all sales activities and transactions as required by the provisions of subsection 31.02.03.08 of the Sturgis City Ordinances. Licensed fireworks only sales premises shall be specifically exempted under 31.02.03.06 from City temporary vendor license fees and special sanitation fees otherwise required by Title 31. Approved fireworks sales periods shall be posted on the City of Sturgis website.



At no time shall a collapsible lantern or similar structure of thin paper or similar material, designed to be lit and then released into the air, be allowed for sale or use within the City of Sturgis or within one mile of City limits.

**~~9.04.16: ADDRESS NUMBERING~~**

~~Numbers shall be posted on all structures in such a way that they will be visible at night and in the daylight and shall comply with requirements established in Title 2 and Title 18.~~

Dated this 3<sup>rd</sup> day of February, 2014.

First reading: 01-06-2014

Second reading: 02-03-2014

Adopted: 02-03-2014

Published: 02-12-2014

Effective: 03-05-2014

Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve second reading of Ordinance 2014-03 – Title 12 – General Nuisances.

**ORDINANCE 2014-03  
AN ORDINANCE AMENDING TITLE 12– GENERAL NUISANCES**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 12 General Nuisances–Chapter 12.01 General Provisions– Section 12.01.02: Definitions – Chapter 12.02 General Nuisances-Section 12.02.01: Specific Acts, Conditions, and/or Things Deemed to be Nuisances and Chapter 12-08 Fireworks are amended to read as follows:

**TITLE 12  
GENERAL NUISANCES**

Chapters:

12.01: General Provisions

12.02: General Nuisances

12.03: Depositing of Filth, Obnoxious, and Offensive Substances

12.04: Weeds, Trees, Bushes, Et cetera

12.05: Slaughter Houses, Meat Market, and Livestock Sale Rings

12.06: Non-Domestic Animals

12.07: Depositing and Burning of Filth, Ashes, Manure, Garbage, Refuse, Filthy Liquids,  
Et cetera

~~12.08: Fireworks~~

12.08: Junk Dealers

12.09: Indecent Acts

12.10: Regulation of Sexually Oriented Performances and Performers

**CHAPTER 12.01  
GENERAL PROVISIONS**

SECTIONS:

12.01.01: Scope and Purpose

12.01.02: Definitions

12.01.03: Penalty

## **12.01.02: DEFINITIONS**

~~FIREWORKS: Any device, including but not limited to, firecrackers, torpedoes, roman candles, detonating cannons, skyrockets or other similar pyrotechnic displays.~~

## **CHAPTER 12.02 GENERAL NUISANCES**

### **SECTIONS:**

12.02.01: Specific Acts, Conditions, and/or Things Deemed to be Nuisances

12.02.02: Filing a Nuisance Complaint

12.02.03: Courtesy Letter/Notice of Violation

12.02.04: Notice of Violation

12.02.05: Abatement or Filing of Review Required Within Fifteen (15) Days

12.02.06: Notice of Review by Legal & Finance Committee

12.02.07: Issuance of Ticket of Violation

12.02.08: Abatement

12.02.09: Landowner Responsible for Any Costs

12.02.10: Immediate Abatement Required in Certain Cases

### **12.02.01: SPECIFIC ACTS, CONDITIONS, AND/OR THINGS DEEMED TO BE NUISANCES**

The following specific acts, conditions, and things are each declared a public nuisance, however, this enumeration shall not be deemed to be exclusive:

- W. Slaughter houses;
- X. Depositing, placing, throwing or letting fall any item into the Deadman Creek Channelization Project, including, but not limited to, leaves, garbage, ashes, grass clippings, and tree branches;
- Y. Entering the Deadman Creek Channelization Project without prior permission from the Public Works Director;
- Z. Leaving or allowing to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place accessible to children, any non-operating ice box, refrigerator or other container without first removing said door or lid for said ice box, refrigerator or container; or
- AA. Depositing or placing any offal, filth, filthy waters, human or animal waste, obnoxious liquid substances including: petroleum products such as oil, gasoline, and et cetera on any private lot or public grounds.

## **~~CHAPTER 12.08~~** **~~FIREWORKS~~**

### **~~SECTIONS:~~**

~~12.08.01: Limitation~~

~~12.08.02: Sale~~

~~12.08.03: Use~~

~~12.08.04: Restriction by Resolution~~

### **~~12.08.01: LIMITATION~~**

~~This Chapter shall not apply to ammunition for firearms nor shall it apply to explosives such as dynamite or TNT, which are used for industrial purposes and are not used or kept for public display.~~

### **~~12.08.02: SALE~~**

~~No person shall sell or offer for sale any fireworks within the limits of the City or within one mile thereof.~~

~~(12.08.02 amended effective 03/31/07, Ordinance 2007-03)~~

### **~~12.08.03: USE~~**

~~No person shall explode, set off or fire any fireworks within the City or within one mile thereof except during the specified allowable time period which shall commence at 6:00 am July 3<sup>rd</sup> and end at 12:00 am July 5<sup>th</sup>.~~

~~No person shall at any time including the time period specified above explode, set off or fire any fireworks within any City park.~~

~~(12.08.03 amended effective 03/31/07, Ordinance 2007-04)~~

### **~~12.08.04: RESTRICTION BY RESOLUTION~~**

~~The use of fireworks within the limits of the City may be restricted by resolution of the City Council as the City Council may deem necessary due to the existence of heightened fire danger.~~

~~(12.08.04 added effective 03/31/07, Ordinance 2007-05)~~

Dated this 3<sup>rd</sup> day of February, 2014.

First reading: 01-06-2014

Second reading: 02-03-2014

Adopted: 02-03-2014

Published: 02-12-2014

Effective: 03-05-2014

Motion by Waterland, second by Hersrud and carried with all members present voting yes to approve first reading of Ordinance 2014-04 – Title 37 – City Transit.

Motion by Potts, second by Johnston and carried with all members present voting yes to approve issuance of an Ambulance Service License to Sturgis Ambulance.

Councilor Bestgen wants it noted that he has concerns about spending the \$27,000 on this plan. Motion by Johnston, second by Waterland and carried with all members present voting yes to approve authorizing the City Manager to sign an agreement with KLJ for a Comprehensive Land Use Plan.

Any other business:

Councilor Hersrud expressed his concerns about the Planning and Zoning Board and that the City needs to give them more guidance when considering issues that come before them as a board.

Councilor Hersrud also thanked Councilor Bestgen for speaking out at the Cracker Barrel held last Saturday about the Rally sales tax collection issue.

Janeen Walker wanted to express her concern about the garbage in the alley at 940 Main Street and ask that Business owners clean up their garbage.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to go into executive session for personnel and contracts at 8:16 pm.

Motion Bestgen, second by Bachand and carried with all members present voting yes to return to regular session at 10:14 pm.

Johnston introduced the following written resolution and moved its adoption:

**RESOLUTION 2014-14  
CONSIDERATION OF ONE TIME COMPENSATION FOR  
FULL TIME AND HALF TIME (PART TIME WITH BENEFITS) EMPLOYEES**

WHEREAS, the City of Sturgis faced significant financial difficulties in 2012 and sought to reduce ongoing expenses while increasing revenue streams, and;

WHEREAS, in 2013, both City Employee bargaining units agreed to no annual cost of living allowance (COLA) for the first time in decades as a good faith effort to help bring the City's revenue streams in line with expenses, and;

WHEREAS, the City agreed to provide a onetime compensation for employees in February of 2014 if sales tax collections exceeded the budgeted revenue, and;

WHEREAS, the City's sales tax revenue was \$2,921,543, which was within the range needed for a onetime compensation payment of 0.5% of each full and part time regular employees total 2013 compensation, and;

WHEREAS, the total gross taxable sales was \$597,850 less than the required sales to provide a 1% onetime compensation according to the negotiated contracts between the City of Sturgis and its collective bargaining units, and;

WHEREAS, total expenditures in the general fund were 8.3% less than the adopted budget and each principal operating fund achieved similar cost savings, and;

WHEREAS, the City has sought to encourage and reward employees for creative ways in which revenue can be increased and operating costs can be reduce;

NOW THEREFORE, it shall be established as Council policy to consider a one-time, gross compensation payment be made to all regular full and half time (part time with benefits) employees equal to 1% of each individual employee's total 2013 compensation in recognition of the sales tax revenue collections of 2013 and the tremendous cost saving achieved by employees, and a transition stipend to be paid to the Rally and Events Director equal to \$600 per month for six months in recognition of the additional efforts required during the transition period of the sponsor agent in 2013, which is similar to stipends provided to other employees during times of transition.

Dated this 3rd day of February, 2014.

Published: 02-12-14

Effective: 03-05-14

Hersrud seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Johnston, seconded by Waterland and carried with all members present voting yes to adjourn the meeting at 10:15 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$